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10/600,853	06/20/2003	Thomas Lich	10191/3107	8481

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EXAMINER
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BEAULIEU, YONEL

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3661

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**GROUP 3600**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/600,853  
Filing Date: June 20, 2003  
Appellant(s): LICH ET AL.

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Gerard A. Messina  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 2/10/06 appealing from the Office action  
mailed 9/14/05.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,463,372	YOKOTA	10-2002
6,487,482	MATTES et al	11-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 8, 10, 12, and 14 – 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Yokota et al. (US 6,463,372 B1).

Regarding claim 1, Yokota et al. teaches a system (fig. 1 at least) for triggering at least one restraining device (seatbelt or airbag) comprising at least one non-pedestrian-impact sensor (10) for transmitting a first signal; at least one pedestrian-impact sensor for transmitting a second signal (col. 10, lines 41 – 67 at least); a processor (11) for receiving the first and second signals and being adapted to trigger the at least one restraining device (col. 8, lines 40 – 47 at least), wherein the at least one non-pedestrian-impact sensor includes an acceleration sensor (col. 11, lines 25 – 40 at least).

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Regarding claims 2 - 10, 12, and 14 – 19, Yokota further teaches determination of crash severity (see figs. 4. 10a – 10c at least), one passenger weight sensor (81), an impact sensor being situated in a front and in a rear bumper of the vehicle (col. 1, lines 36 – 45 at least), one or peripheral side-impact/non-pedestrian sensor (fig. 3; col. 10, lines 63 at least), a deformation sensor (col. 11, lines 25 – 41 at least), an optical or an ultrasound or a radar sensor (col. 7, lines 42 – 50 at least), the restraining device including at least one of an airbag and belt tightener (note items 40 and 60 in fig. 2 at least), the restraining device being triggered in a gradual manner (see figs. 5a – 5c and 8a at least).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota ('372), as applied to claim 1, and further in view of Mattes et al. (US 6,487,482 B1).

As discussed above, Yokota teaches all of the limitations except for making the acceleration sensor a switch. However, Mattes teaches, in the same field of endeavor of triggering restraining devices, an acceleration sensor being a switch (col. 1, lines 24 – 37 at least).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Yokota's teaching by making the acceleration sensor a switch as evidenced by Mattes in order to guard against restraining devices false deployment; thus, enhancing safety.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota as applied to claim 1 (directly or indirectly).

Yokota teaches all of the limitations of claim 13 except for situating the impact sensor in a trim molding of the vehicle.

However, situating the impact sensor in a trim molding of the vehicle is an arrangement that would have been obvious to one of ordinary skill in the art at the time of the invention because the skilled artisan would have recognized the arrangement does not solve any stated problem in the art of deploying restraining devices.

#### **(10) Response to Argument**

Appellant argued the Yokota reference ('372) does not disclose an impact sensor that senses a contact of any kind; that the reference does not teach **non-pedestrian**

**impact sensor**; the Examiner disagrees. Yokota's figs. 2-3 support item 10 being an object detecting sensor (means 10) that detects (senses) impact with an object. Hence, a non-pedestrian impact sensor. Note col. 10, lines 9 – 12 at least.

With regard to Appellant's argument that the Yokota reference not teaching the **pedestrian impact sensor**, the Examiner disagrees. Read in light of the specification (as noted on page 5), it is clear the pedestrian sensor may be an optical sensor. The Yokota reference does teach what is claimed. Such is supported in col. 7, lines 42 – 46 and col. 10, lines 41 – 67 at least).

Overall, the Yokota reference does teach what is argued. Yokota is concerned with triggering at least one restraining device (seatbelt or airbag) using a non-pedestrian impact sensor (the reference teaches senses detection/impact with an object using item 10) – note col. 8, line 59 – col. 9, line 3 at least); with regard to the pedestrian impact sensor, the reference is still clear on the limitation – note col. 10, lines 41 – 67, wherein Yokota makes plain the consideration of [collision with a] pedestrian. It is also the Examiner's position the pedestrian sensor does extend across an entire side of the vehicle (the rear or the front of the vehicle is one side of the vehicle).

It has further been argued that Yokota does not teach a processor [that] determines a crash type and a crash severity and embodying the sensor in control device. The Examiner respectfully disagrees. The signal is triggered a function of a

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processed signal (processed by ECU 11 – determination of the impact is determined by item 12 – see fig. 2 or 3) – the sensor in Yokota also provides for crash severity (collision emergency level as noted in col. 10, lines 52 – 54 at least). The sensors are embodied in fig. 2 or 3 as a whole.

As to the argument that Yokota reference not teaching a sensor situated in rear of a vehicle, the Yokota refers to the prior to make clear such a sensor can be placed in the front or the rear of a vehicle (as noted in col. 1, lines 34 – 39 at least). As to the side-impact, the reference is clear on that teaching as noted in col. 10, lines 41 – 44 at least).

The argument with regard to claim 10 is traversed because Yokota makes clear in col. 7, lines 42 – 50 the sensor (detecting mean) includes [at least] **one** of the sensors claimed.

The combination of Yokota with Mattes is proper. Mattes, from the same field of endeavour, was brought forth to cover the aspect of the sensor being a switch; the other limitations, as stated above, are clearly met by Yokota. Appellant should consider what the combination suggests to one of ordinary skill in the art.




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**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Yonel BEAULIEU  
  
PRIMARY EXAMINER

Conferees:

Thomas Black 

Tan Q. Nguyen 